REMARKS

In view of the above amendments and following remarks, reconsideration and further examination are requested.

Claims 27, 29 and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Buchwalter et al. Claim 27 was rejected under 35 U.S.C. § 102(b) as being anticipated by Lee. Claims 28 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchwalter et al. in view of Wu and further in view of Yang. Claims 28-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Wu and further in view of Yang. And, claims 15-17, 22, 24, 26, 33 and 35-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Ohno and further in view of Yang.

In order to discuss these rejections, a personal interview was conducted with Examiner Gurley on August 17, 2005. The courtesies extended by Examiner Gurley during this interview are greatly appreciated.

During this interview, the claims and proposed amendments thereto were discussed as they pertain to the references relied upon in the rejection of claims.

Specifically, in order to more clearly bring out an inventive feature of the invention while further distinguishing the invention from Wu, Applicant's undersigned representative proposed to amend each of independent claims 15, 27, 29 32, 35 and 53 by inserting the word --then-- before "forming a contact...". Thus, this amendment makes it clear that both the first dielectric film and the second dielectric film are formed prior to any contact or contact hole being formed in either of these films. To the contrary, in Wu the holes corresponding to contact studs 58a-58d are formed in the first dielectric film 52 before the second dielectric film 62 is formed on the first dielectric film. Accordingly, Wu does not teach or suggest forming a contact or contact hole through first and second dielectric films only after these films have been formed, as now required by each of the independent claims. This feature is also not expressly disclosed in any of Lee, Yang and Ohno.

Further, with regard to the combination of Wu and Ohno, Applicant's undersigned representative explained why this combination of references would not result in one having ordinary skill in finding it obvious to have the dielectric films of Wu have different etching rates. In this

regard, in Wu etch stop layers are already provided at 38a-38g, and accordingly, the teaching of etch stop layer 46 in Ohno would have taught nothing new to what is already taught by Wu.

With regard to the rejection based on Buchwalter et al., Applicant's undersigned representative explained why the final "wherein" clause recited in each of independent claims 15, 27, 29, 35 and 53 is not taught or suggested by this reference. Specifically, this clause requires that an entire surface of the first electric film is continuous and higher than a top surface of the gate electrodes or interconnections, whereas Figure 3(1) of Buchwalter et al. shows a portion of the polymer to be lower than a top surface of the interconnects. Examiner Gurley basically agreed that Buchwalter et al. does not teach or suggest this limitation; however, she expressed that the use of the term "substantially" allows this limitation to be read on Buchwalter et al. Accordingly, the claims have been amended by deleting "substantially" therefrom. Examiner Gurley expressed that such an amendment would remove Buchwalter et al. as an anticipatory reference. This feature is also lacking from Ohno, Wu and Yang.

With regard to the reliance on Lee, it was agreed that this reference could be defined around by making it clear from the claims that the first dielectric film is of a uniform thickness at required portions. Thus, each of the independent claims have been amended to require that

> **planarizing the first dielectric film results in the first dielectric film having a uniform thickness at those portions where contact holes are formed.**

In Lee, neither dielectric 48 nor dielectric 52 shows such a feature, and accordingly, none of the independent claims are anticipated by Lee. This feature is also not expressly disclosed in any of the other relied-upon references.

Examiner Gurley also suggested that in order to further bring out inventive features of the invention, it should be claimed that the contact holes extend to a uniform depth. This suggestion has been adopted, and accordingly, each independent claim now recites "forming contact holes to a uniform depth".

In view of the above, and in view of the arguments submitted with the Response filed February 22, 2005, it is respectfully submitted that the relied-upon references, either taken alone or in combination, would not result in the invention as now claimed. Accordingly, it is respectfully

submitted that the present application is in condition for allowance and an early Notice of Allowance is earnestly solicited.

If after reviewing this Amendment, the Examiner believes that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicant's undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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